

Senate Bill 397
March 26, 2013
Presented by Quentin Kujala
Senate Fish and Game Committee

Mr. Chairman and committee members, I am Quentin Kujala from the Montana Department of Fish, Wildlife & Parks (FWP). I am here today on behalf of the Director in opposition to Senate Bill 397.

FWP opposes this bill for many reasons: it mandates specific season structures and dates in statute – these are best left to the FWP Commission and the very public Commission process. It has potential to create extremely confusing regulations that create enforcement issues and unintentionally set up hunters for violations. And it threatens our ability to delist grizzly bears and keep wolves from becoming relisted.

SB 397 would mandate more liberal black bear, mountain lion, and wolf provisional seasons in elk hunting districts under restrictive harvest regulations per the Montana Elk Plan. Currently, 31 out of 162 hunting districts are managed under a restrictive harvest regulation package, and these are spread out among 4 different FWP regions.

FWP's first concern is that the bill limits commission authority to adaptively manage black bear, mountain lion, and wolf harvests in hunting districts with mandatory, provisional seasons, and assumes predation by every carnivore is the sole reason for an elk population to be under objective. In some cases, this would lead to over-harvest of black bears and mountain lions, even when their effect on elk populations is not the significant issue. The commission already has adequate authority and sufficient tools to manage populations of black bears, mountain lions, and wolves. Season frameworks for all three species have been liberalized in recent years, leading to significantly increased harvests. These include expanded season dates, increased quotas, and added means of take. Harvest totals for all three species have increased in response.

This bill would also result in extremely complicated regulations where some hunting districts within a region would have unique regulations that would undoubtedly confuse hunters and create enforcement concerns. For example, in Region 2, provisional seasons would occur in 8 hunting districts, while the other 20 would have standard frameworks. The two sets of seasons would have different opening and closing dates. Provisional licenses would be valid only in the 8 districts, where a hound hunting permit would be required and bear baiting would be allowed, unlike the remaining 20 districts. Within 20 districts, lions would be hunted under the current framework including special lion licenses and a 10% nonresident cap, while in the remaining 8 districts, provisional licenses would be unlimited, but hound hunting permits would also be required and limited on a statewide basis. Trail cameras would become legal for hunting for wolves, bears, and lions, only in 8 of 20 districts. It would be next to impossible to distinguish between the use of trail cameras to hunt carnivores versus their illegal use for hunting big game in the same hunting districts. Road kills could be salvaged to bait wolf traps, but only during provisional seasons. Increasing the complexity, these circumstances could change as hunting districts variously fell below or increased to objectives.

In the 31 hunting districts statewide with restrictive elk regulations, this bill would mandate bear baiting during the spring season and pursuit with hounds during both spring and fall black bear provisional seasons. The Montana legislature already considered black bear hound hunting in HB 144 which was tabled in committee. Testimony on that bill revealed lack of public support and multiple issues, including the hazards of inadvertently pursuing grizzly bears with negative consequences to grizzly bear delisting. Grizzly bears are common in 26 of the 31 hunting districts that currently have restrictive elk regulations. The bill also mandates wolf trapping during September 1 – June 30. Trappers will accidentally capture grizzly bears that are typically out of dens up to mid-December, and after mid-March. Incidental trapping of grizzly bears represents a considerable threat to human safety, to include those members of the public that unknowingly happen upon a trapped grizzly bear. These regulations also stand to jeopardize Montana's extensive efforts to get grizzly bears delisted (hopefully by 2015 in both the Yellowstone and NCDE).

Baiting is a method that is not needed to achieve desired black bear harvests in Montana, and could habituate black and grizzly bears and mountain lions to human foods and create garbage dumps at bait sites. This habituation could lead to additional conflicts, human safety concerns and bear removals that would further jeopardize grizzly delisting efforts. Currently, Montana hunters kill around 1,500 black bears each year. This represents an increased harvest in recent years, as seasons have been liberalized in response to concerns over ungulate predation, changing weather variables, public interest in additional opportunity, and research confirming the biological capacity for Montana's bear population to accommodate additional harvest.

The bill would create a hound hunting license that would be required for provisional seasons and would cap non-resident participation at 50 permits. However, because the limitation only applies to nonresident hound hunters in provisional seasons, and because the bill eliminates limitations on the numbers of permits or licenses issued, the bill could, in effect, greatly increase the number of nonresidents participating in some currently limited mountain lion seasons. Also, outfitted nonresident hunters would not be limited.

The bill mandates a lengthy season for wolves even if the population is reduced toward 200 wolves. At 250 wolves statewide, it is questionable if Montana could verify 15 breeding pairs, which is a delisting criterion and Montana management plan standard. This bill raises the question of adequate regulatory mechanisms for wolves and creates the real possibility of a federal status review. It also potentially represents a significant change to Montana's wolf management plan, which is also a trigger for a federal status review.

The bill legalizes the use of body-gripping traps for wolves. Body-gripping trap sets would be unlikely to capture wolves, but would be effective at killing pets and other small animals, unnecessarily creating a safety hazard, and further jeopardizing Montana's trapping seasons, which are coming under increasing scrutiny, and are already the subject of lawsuits.

In some respects, the bill may lead to more conservative seasons than might otherwise be adopted by the FWP Commission. For example the FWP Commission would not be able to extend seasons beyond the dates specified in the bill. Also, the bill prohibits the use of game animals for wolf trap bait, which is currently legal.

It appears the bill allows nonresidents to purchase a reduced-cost license to hunt during a provisional season. However, if they wanted to hunt elsewhere in the state, they would also have to purchase a regular season license – so they would have to have two different licenses for the same animals and seasons, which ultimately would cause confusion and cost them more.

In closing, this bill jeopardizes the delisting of wolves and the potential delisting of grizzly bears; it creates extremely complex and confusing regulations, represents human safety concerns and is unnecessary. FWP respectfully requests a Do Not Pass on SB 397.